

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**Flohr, et al.**

Examiner: Ward, Paul V.

Art Unit: 1624

Application No.: **10/779,439**

Filed: **February 13, 2004**

Title: **Nitrogen-substituted hexahydropyrazino  
(1,2-a)pyrimidine-4,7dione derivatives,  
method for the production and use  
thereof as medicaments**

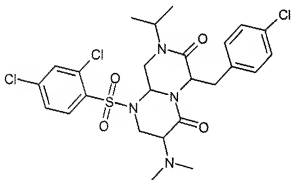
**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

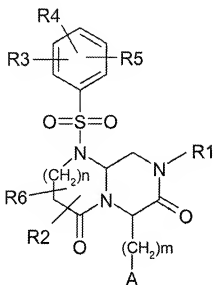
Sir:

This paper is responsive to the Restriction Requirement mailed on 05/05/06.

Per Examiner's request, Applicant herein elects to prosecute the claims of Group II drawn to compounds and compositions of Formula 1 of Claim 1 wherein n is 1. Furthermore, Applicant elects the species that is Example 5 having the following structure:



Example 5 is a compound of Formula I (Claim 1):



wherein

R3 and R4 are each Cl;

R5 is H;

n is 1;

R6 is H;

R2 is N(R<sub>13</sub>R<sub>14</sub>) wherein R<sub>13</sub> and R<sub>14</sub> are CH<sub>3</sub> i.e. "(C<sub>1</sub>)alkyl";

m is 1;

A is a 6-membered mono ring substituted with Cl; and

R1 is (C<sub>3</sub>)alkylene-R8 wherein R8 is H.

Applicants submit that once the compounds of the present invention are found to be novel, then the other Groups defined by the Examiner that contain any compositions of matter containing those compounds should also be found to be novel and rejoined. Likewise, pursuant to linking claim practice, at least one of the method claims should be rejoined.

Furthermore, Applicants affirm their right to file one or more divisional applications with respect to any of the non-elected subject matter.

Respectfully submitted,

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